

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 05-00167 WHA

Plaintiff,

v.

**ORDER DENYING MOTION  
TO APPOINT COUNSEL**

DORNELL ELLIS,

Defendant.

Defendant Dornell Ellis has filed a motion to appoint counsel, requesting that new counsel be appointed to assist him in filing a Section 2255 motion (Dkt. No. 1862).

“Whenever the . . . court determines that the interests of justice so require, representation may be provided for any financially eligible person who . . . is seeking relief under section 2241, 2254, or 2255 of title 28.” 18 U.S.C. 3006A(a)(2)(B). Defendant seeks appointment of counsel to assist him in filing a Section 2255 motion. Defendant states he is “unqualified to represent himself” (Dkt. No. 1862 at 4). According to defendant, the basis for his Section 2255 motion, which has not yet been filed, is “involuntary guilty plea, breach of contract, and ineffective assistance of counsel” (Dkt. No. 1862). These plain reasons, without more, are insufficient to support the appointment of counsel. Defendant may file his Section 2255 petition (this order makes no determination at this time about whether such a motion would be timely filed). It is

possible that after reviewing the Section 2255 motion the Court would consider appointing counsel. At this time, however, the motion to appoint counsel is **DENIED**.

**IT IS SO ORDERED.**

Dated: July 26, 2012.



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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE